

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

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2008 APR -1 P 3: 28

Kendall E. Campbell,

Plaintiff,

vs.

Michael J. Astrue, Commissioner of  
Social Security,

Defendant.

C.A. No. 9:02-3936-TLW-GCK

ORDER

This matter is now before the undersigned for review of the Report and Recommendation ("the Report") filed by United States Magistrate Judge George C. Kosko, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.). In his Report, Magistrate Judge Kosko recommends that the Commissioner remit the amount of \$18,619.00 to plaintiff's attorney out of the 25% amount withheld from the past due benefits of the plaintiff and his dependant child, and that plaintiff's counsel shall refund to plaintiff the EAJA attorney's fee of \$ 2,870.01, upon receipt by plaintiff's counsel of the § 406(b) attorney's fees awarded for his services in this case. No objections have been filed by either plaintiff or defendant.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge's Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. No objections have been filed to the Report. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the

recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4<sup>th</sup> Cir. 1983).

A review of the record indicates that the Report summarizes this case and the applicable law. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report is **ACCEPTED** (Doc. # 52), plaintiff's petition for attorney's fees is **GRANTED** (Doc. # 45); and, as recommended in the Report, the Commissioner shall remit the amount of \$18,619.00 to plaintiff's attorney out of the 25% amount withheld from the past due benefits of the plaintiff and his dependant child, and plaintiff's counsel shall refund to plaintiff the EAJA attorney's fee of \$2,870.01, upon receipt by plaintiff's counsel of the § 406(b) attorney's fees awarded for his services in this case.

**IT IS SO ORDERED.**

s/ Terry L. Wooten

**TERRY L. WOOTEN**  
**UNITED STATES DISTRICT JUDGE**

April 1, 2008  
Florence, South Carolina